

## **Freedom of Information Act 2000 (Section 51)**

### **Information notice**

**Date:** 23 July 2021

**Public Authority:** Commissioner of the Metropolitan Police Service

**Address:** New Scotland Yard  
Broadway  
London  
SW1H 0BG

### **Section 51**

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Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

### **Application under section 50**

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1. The Commissioner has received two applications under section 50, references IC-54745-C7Y9 and IC-79467-K9C4, for a decision whether two requests for information made by the complainant to the Metropolitan Police Service (MPS) on 27 July 2020 and 11 September 2020 respectively, have been dealt with in accordance with the requirements of Part I of the Act.

## **Nature of complaints**

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### Request 1

2. Following correspondence with the MPS in which the complainant was advised to narrow down an information request, on 27 July 2020 the complainant submitted a refined version of this information request to the MPS.
3. On 31 July 2020, the MPS responded to the complainant stating that the scope of the request remains too broad and it could not be complied with within the appropriate costs/time limits. Therefore, the MPS refused this request relying on section 12(1) of FOIA
4. The complainant asked the MPS to review its decision on 18 August 2020.
5. The MPS provided the complainant with the outcome of its internal review on 4 September 2021. It did not change the position taken in its initial response.

### Request 2

6. On 11 September 2020, the complainant submitted another request to the MPS.
7. On 9 October 2020, the MPS responded to the complainant stating that:
  - it refused to comply with part 1 of this request, relying on section 12(1) of FOIA;
  - it refused to comply with part 2 of this request, relying on section 12(2) of FOIA; and
  - it did not hold information within the scope of part 3 of this request.
8. The complainant asked the MPS to conduct an internal review on 22 October 2020.
9. On 17 November 2020, the MPS sent the complainant the outcome of its internal review, which upheld its initial position.

### The complaint to the Commissioner

10. The complainant disputes that the MPS was entitled to rely on section 12(1) of FOIA when it decided to refuse to comply with the first information request. The complainant also disputes:

- the application of section 12(1) of FOIA in relation to part 1 of the second request;
  - the application of section 12(2) of FOIA in relation to part 2 of the second request; and
  - the MPS's claim that it held no information within the scope of part 3 of the second request.
11. The complainant has asked the Commissioner to make a decision in relation to the above complaints.
12. The Commissioner sent separate letters to the MPS on 19 March 2021 and on 19 May 2021 setting out the information the Commissioner required in order to progress her investigations in relation to the above complaints. Despite a number of follow-ups and telephone communications, no substantive response from the MPS had been received at the date of this notice.

### **Information required**

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13. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the MPS shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
- A substantive response to her letter dated 19 March 2021; and
  - A substantive response to her letter dated 19 May 2021.
14. Copies of both letters are attached to this notice.

### **Failure to comply**

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15. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

## Right of appeal

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16. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@Justice.gov.uk](mailto:grc@Justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

**Signed .....**

**Ben Tomes**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**